

To: Gray, David[gray.david@epa.gov]
Cc: Idsal, Anne[idsal.anne@epa.gov]; Ross, David[Ross.David@epa.gov]; Payne, James[payne.james@epa.gov]; Harrison, Ben[Harrison.Ben@epa.gov]; Dwyer, Stacey[Dwyer.Stacey@epa.gov]; Shaikh, Taimur[Shaikh.Taimur@epa.gov]
From: Garcia, David
Sent: Tue 3/20/2018 3:19:07 PM
Subject: RE: Illinois River Options

Option 1 is where EPA provides technical assistance using the model, run various scenarios, provide results to states and states decide to issue a TMDL for their watershed.

David F. Garcia, P.E.
Acting Director
Water Division

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From: Gray, David
Sent: Tuesday, March 20, 2018 10:11 AM
To: Garcia, David <Garcia.David@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Ross, David <Ross.David@epa.gov>; Payne, James <payne.james@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>; Dwyer, Stacey <Dwyer.Stacey@epa.gov>; Shaikh, Taimur <Shaikh.Taimur@epa.gov>
Subject: Re: Illinois River Options

Where is the option(s) that the states develop EM their own TMDL ? These all read to me that EPA runs the process

Sent from my iPhone
On Mar 20, 2018, at 10:06 AM, Garcia, David <Garcia.David@epa.gov> wrote:

To All,

To help facilitated discussion below and attached are options/pros/ and cons.

Option #	Option Description	Pro	Con	Unknown Factors
1	EPA develops multiple TMDLs (1 for each State); States issue the TMDLs for their jurisdictions.	<ul style="list-style-type: none">● Regulatory Certainty increased.● Levels the playing field between jurisdictions.● Consistent with originally stated EPA objective.● States can develop interstate implementation plans; nutrient trading programs.● Encompasses Lake Tenkiller.● Administratively continued permits can be reissued.	<ul style="list-style-type: none">● Potential for Chesapeake Bay-type legal challenge.● Unclear if either State or Cherokee Nation would support.	<ul style="list-style-type: none">● Status of Arkansas Trading Program.● Status of OK WQS revision to implement joint study finding.

2	EPA assists Cherokee Nation, Oklahoma, and Arkansas agencies to enter Third Statement of Joint Principles and Actions (MOU)	<ul style="list-style-type: none"> • Consistent with OK and AR history of using MOUs. • Cooperative Federalism: Keeps AR and OK in the lead. • Encourages innovation and flexibility. 	<ul style="list-style-type: none"> • No regulatory certainty. • Inconsistent with originally stated EPA objective. • Might not result in improved water quality. • Cherokee Nation has not been party to earlier MOUs 	<ul style="list-style-type: none"> • Status of Arkansas Trading Program. • Status of OK WQS revision to implement joint study finding.
3	EPA issues single TMDL for entire watershed	<ul style="list-style-type: none"> • Consistent with originally stated EPA objective. • OK and Cherokee Nation prefer. • Encompasses Lake Tenkiller. • Administratively continued permits can be reissued. 	<ul style="list-style-type: none"> • Potential for Chesapeake Bay-type legal challenge. • AR would not support. • Not in alignment with Cooperative Federalism 	<ul style="list-style-type: none"> • Status of Arkansas Trading Program. • Status of OK WQS revision to implement joint study finding.
4	EPA develops TMDL for OK to issue; AR develops and implements WBP	<ul style="list-style-type: none"> • Partially consistent with originally stated EPA objective. • Encompasses Lake Tenkiller. • AR would support. 	<ul style="list-style-type: none"> • Potential for Chesapeake Bay-type legal challenge. • OK would not support. Unclear if Cherokee Nation would support. • Not clear whether permits would be reissued, or what appropriate limits might be. • WBPs are non-regulatory. 	<ul style="list-style-type: none"> • Status of Arkansas Trading Program. • Status of OK WQS revision to implement joint study finding.
5	EPA works with both States to develop a watershed-wide WBP.	<ul style="list-style-type: none"> • Unlikely to prompt Chesapeake Bay-type legal challenge. • Cooperative Federalism 	<ul style="list-style-type: none"> • Unclear whether OK or Cherokee Nation would support. • Unclear whether permits would be reissued, or what appropriate limits might be. 	<ul style="list-style-type: none"> • Status of Arkansas Trading Program. • Status of OK WQS revision to implement joint study finding.

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From: Wooster, Richard
Sent: Tuesday, March 20, 2018 10:01 AM
To: Garcia, David <Garcia.David@epa.gov>; Dwyer, Stacey <Dwyer.Stacey@epa.gov>
Cc: Wooster, Richard <Wooster.Richard@epa.gov>
Subject: Options
Importance: High

<Document1.docx>